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# GAIN Report

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## CFIA Releases Food Safety Forum Consultation Report

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### **Report Highlights:**

The Canadian Food Inspection Agency released a report including comments gathered from various stakeholders at the Food Safety Forum it organized on June 4, 2013. Consultations continue until the fall of 2013 on the following five topics: 1) new food regulation; 2) outcome based approach; 3) compliance promotion; 4) labeling modernization; and 5) imported food sector regulations.

On June 4, 2013, the Canadian Food Inspection Agency (CFIA) hosted a [Food Safety Regulatory Forum](#) with a wide variety of industry, government and academic stakeholders. The forum formally launched consultations on key food safety and consumer protection initiatives that the CFIA is pursuing in order to modernize food safety and bring the *Safe Food for Canadians Act* into force.

The initiatives that are part of food safety consultations include:

- New food regulatory framework
- Outcome-based approach to regulation
- Compliance promotion
- Food labeling modernization
- The proposed imported food sector product regulations

The CFIA also provided attendees with a brief summary of the consultations it had undertaken with stakeholders since June 2012 on the new food inspection model. The model sets out a new approach for inspecting all food, whether imported, exported or prepared domestically for sale across provincial borders or internationally. It provides the foundation for a number of modernization initiatives at the Agency and sets the direction for new food regulations. Those consultations are now completed, and the [final food inspection model](#) is posted to the CFIA's website.

FAS/Ottawa had previously reported on all these developments through various GAIN reports that can be accessed via FAS's website following this [link](#). All of these initiatives are related and complementary and many of the proposed changes will represent new requirements for some businesses, and will impact the current way of doing business for some companies. FAS/Ottawa strongly encourages stakeholders to remain engaged in all these consultations and provide feedback and comments to CFIA.

The Annex to this report includes the information released by CFIA in the form of a "What We Heard Report", based on the information CFIA gathered from the participants at the Food Safety Forum in June 2013.

The following information can be found on CFIA's website by following this [link](#).

### **What We Heard Report CFIA Food Safety Regulatory Forum – June 4, 2013**

The Canadian Food Inspection Agency (CFIA) is strengthening food safety and consumer protection by looking at how the Agency and stakeholders can work together to improve current regulatory, labelling and inspection approaches and tools.

On June 4, 2013, the CFIA hosted a [Food Safety Regulatory Forum](#) with 200 external stakeholders in Gatineau, Quebec. The forum formally launched consultations with stakeholders on key food safety and consumer protection initiatives that the CFIA is pursuing in order to modernize food safety and bring the *Safe Food for Canadians Act* into force.

The initiatives that are beginning or nearing consultation include:

- food regulatory framework,
- outcome-based approaches to regulation,
- compliance promotion,
- the proposed imported food sector product regulations, and
- food labelling modernization.

The CFIA also provided attendees with a brief summary of the consultations it has undertaken with stakeholders since June 2012 on the new food inspection model. The model sets out a consistent approach for inspecting all food, whether imported, exported or prepared domestically for sale across provincial borders or internationally. It provides the foundation for a number of modernization initiatives at the Agency and sets the direction for new food regulations. The [final food inspection model](#) is posted to the CFIA's external website.

All of these initiatives are related and complementary. Many of the proposed changes will represent new requirements for some businesses. For these initiatives to be successful and to further strengthen food safety in Canada, they require engagement with and feedback from stakeholders.

## **What we heard**

Attendees at the forum were very passionate about sharing their ideas to improve Canada's food safety system. Generally, stakeholders were eager for the CFIA to move toward a single and more consistent set of food regulations. They also asked that the CFIA improve and automate its information technology systems so they can better access information.

Overall, attendees want:

- more consistency of inspection both regionally and across sectors,
- more details regarding the proposed food regulatory framework,
- increased training for inspectors and guidance for industry in order to meet compliance, and
- clear communication and continued consultation or reports on progress.

Industry representatives expressed a strong interest in seeing the proposed food regulatory framework. They asked that the CFIA not dismiss the hard work and gains that have been made to date. For example, industry wants to continue using accepted preventive control plans like the Hazard Analysis Critical Control Point (HACCP) system where it is already in place, and also asked that the daily presence of inspectors in meat establishments be maintained in order to continue trade to the United States.

Above all, industry asked for consistency and clarity. They want consistent inspection across all food commodities, fair and equal treatment of all regulated parties and clear communication from federal regulators. Industry also made it clear that it wants the CFIA to provide its inspectors with the best training in order to position them to succeed and do their jobs most effectively. Industry also requested regular progress reports on training and skills development.

Representatives from consumer associations asked that the CFIA weigh any change it may make against the impact on the health and safety of Canadians. They also asked for a food safety system that:

- emphasizes accountability for all stakeholders,
- is transparent,
- focuses on traceability, and
- provides a high degree of inspector competency.

Representatives from the academic sector noted that despite having one of the strongest food safety systems in the world, foodborne illnesses still happen in Canada. Federal food inspectors, therefore, were asked to have up-to-date training in order to stay abreast of new technologies used to prepare food. CFIA inspectors should not be expected to simply tick boxes but be allowed to continue as they do now and spot problems and be able to enforce their decisions.

The CFIA was encouraged to pursue an outcome-based approach to food regulations because consumers should recognize that safety cannot be inspected into food alone and that efforts should continue to focus on prevention and risk.

## **Next steps**

Attendees covered a lot of ground at the forum and shared many ideas to improve Canada's food safety system. They raised common themes at the forum: consistency, clarity and training. They also asked for more detail and that the various initiatives build upon the strong foundations and gains that have been made thus far.

The CFIA will consider the feedback that it received and act on it where possible. It is important that the Agency remains a strong science-based regulator and that its actions are done efficiently and consistently. The Agency is taking steps to become more flexible and adaptable—a better partner for stakeholders. The Agency is also making more information available about its work and how it is done, it is investing in better tools and technology, and it is using significant federal government funding to train inspectors.

Though the CFIA is considering new approaches and solutions to improve food safety, the Agency will continue to verify that industry is complying with federal requirements, that Canadians are protected and that food is safe.

Through the [Safe Food for Canadians Action Plan](#), the CFIA will be making a number of announcements and enhancements to Canada's food safety system over the next few years. Changes will be done incrementally. Attendees indicated that they want a phased approach to implementation, with ample time to make the necessary changes to their business needs. The CFIA is aiming to have new food regulations in place by early 2015 and this will be followed by a period of transition. The readiness of the small business sector and the availability of new information technology solutions and tools are some of the factors that will influence how these modernization activities are implemented.

The CFIA is planning extensive engagement and outreach across Canada through the summer and fall of 2013 to continue this conversation with stakeholders on various initiatives. We will do this through face-to-face meetings, online discussions, electronic messages via listserv and our normal business channels. We are committed to maintaining a high level of engagement and transparency throughout the process.

To receive future updates about the CFIA's initiatives to modernize food safety, please sign up for the Agency's [email notification service](#).

The CFIA would like to thank everyone who shared their views at the Food Safety Regulatory Forum and contributed to stronger food safety and consumer protection in Canada.

## **1. New food regulatory framework**

Attendees generally supported the direction that the CFIA is taking to develop new food regulations. There was a positive reaction to the preliminary guidelines that would see:

- all food inspected consistently,
- all regulated parties treated equally, and
- food regulations aligned with international standards.

Following a year of extensive consultation with stakeholders on a new food inspection model, attendees at the forum understood that the model provides the direction for the food regulations.

Attendees asked that the CFIA build upon the existing foundation and consider implementing industry-accepted approaches where possible. Attendees recommended that new regulations:

- be developed so they may be validated properly despite being less prescriptive,
- be consistent and clear,
- provide careful consideration for small and medium-sized enterprises and new commodities, and
- encourage transparency but do so without providing sensitive information out of context.

Industry representatives said that they were anxious to see and react to the first draft of regulations. Attendees wanted to know how much it would cost to comply with the new food regulations and when they would see more details.

Attendees noted that the CFIA is pursuing very aggressive timelines and should consult stakeholders, implement regulations and provide strong guidance documents in a coordinated fashion. Attendees were interested to know how the CFIA would use its resources and recommended using third-party service providers to ease the workload.

## **CFIA response**

The CFIA is currently consulting on a proposed [food regulatory framework](#) until November 30, 2013. The Agency intends to have guidance documents and a preliminary cost benefit analysis ready when the draft regulations are released in spring 2014. New regulations are expected to be in place by early 2015.

As outlined in the CFIA's new [food inspection model](#), the Agency will assign oversight resources to the greatest extent possible according to risk to the health and safety of Canadians. The Agency will provide its inspectors with up-to-date training and guidance documents in order to provide consistent advice. In addition, the CFIA is developing an approach to recognize third-party certification within its framework for risk-based oversight.

## **2. Outcome-based approaches**

Outcome-based approaches emphasize what must be achieved, not necessarily how it must be achieved. Attendees at the forum generally supported approaches like this to food regulations.

They expressed support for these types of regulations because they:

- focus on prevention and achieving better outcomes,
- promote flexibility and allow industry to readily adopt innovative approaches and be more productive, and
- create a different working relationship between regulated parties and CFIA inspectors.

However, outcome-based regulations present challenges. Attendees were concerned that the lack of prescription in outcome-based regulation could create inconsistency in inspections and decisions by the CFIA, and that the gap would only widen between those who could comply and those who could not. As a result, attendees asked that food regulations are not oversimplified and that the Agency takes advantage of existing approaches and standards.

Industry asked that guidance material accompany any new regulation, regardless of the approach taken. Small and medium-sized enterprises may not be ready to fully embrace this change but clear regulation and clear guidance documents would help them achieve compliance.

Attendees were very interested to know how the CFIA was changing its own culture to become more outcome-based. They wanted to know what recourse measures would be available to regulated parties and whether its inspectors would receive the necessary training to interpret the regulations, to make the necessary judgement calls and to enforce their decisions. Attendees suggested that the CFIA engage industry and academic sector early in order to bring technical experts together and jointly improve the inspector curriculum.

### **CFIA response**

The CFIA is consulting through November 30, 2013 on how it will make greater use of [outcome-based approaches](#) to regulation.

The CFIA committed to making guidance documents available by April 2014 that will outline expectations of industry and also provide model systems designed to help small and medium-sized businesses adjust to the proposed outcome-based requirements.

The CFIA is taking steps to change the culture within the Agency and its inspectorate. The Agency is developing new skill competencies for inspectors and is examining possible partnerships with academia and third-party service providers for assistance. This work takes time but it must be a cooperative effort.

### **3. Compliance promotion**

Attendees generally supported the CFIA's proposed approach to compliance promotion based on the four pillars of education, technical assistance, transparent communication and compliance incentives. They acknowledged that academia and non-governmental organizations could help deliver technical assistance but recommended that the CFIA should remain engaged in order to address concerns related to the availability of information, issues of consistency, and the needs of small businesses.

In order to promote compliance in the marketplace, industry asked that the CFIA consider the following points:

- Availability of information: Many attendees recommended that the CFIA prepare guidance materials and begin outreach as soon as possible. Guidance documents should be clear, consistent and written in plain language. Industry attendees also asked that the CFIA have a call-centre or real-time online support available to handle questions.
- Transition time: Attendees were concerned about the number of anticipated changes. They encouraged the CFIA to stagger implementation and to provide an extended period of time for industry to adapt.
- Third-party assistance: Attendees agreed that there is a significant role for industry, academia and other third-parties in promoting compliance. Attendees recommended that third parties deliver training to CFIA inspectors and industry and provide technical support to companies changing their preventive control plans for food safety or implementing them for the first time. However, attendees also recommended that the CFIA play a leading role and remain engaged to ensure consistency and to provide interim assistance to regulated parties.
- Partnership: Attendees asked that the CFIA reach out to Canadian cultural communities, provinces and territories, and international partners to broaden its reach, ensure consistency, and to learn from best practices.
- Small businesses: Attendees agreed that all businesses, regardless of the size of their operations, would need to conform to the same standards and outcomes. However, attendees also advised that small and medium-sized businesses would likely need more time and financial assistance to make changes.
- Incentives: Industry asked that they be rewarded for good compliance history through less frequent inspections. Most attendees cautiously supported the notion of publishing information about non-compliant operations. Further discussion was encouraged to make sure information would be made public with appropriate context and that there would be recourse in the event of CFIA error.
- Commodity expertise: Attendees asked that the CFIA maintain a strong level of commodity expertise in its inspectorate. This would assure that experts in specific commodities or methods of food preparation and processing are available to answer difficult technical questions or evaluate food systems.



## **CFIA response**

In order that regulated parties may adjust to upcoming regulatory changes and the new food inspection model, the CFIA will undertake educational activities and employ transitional enforcement guidelines.

The CFIA is consulting through November 30, 2013 on its proposed approach to [compliance promotion](#). Based on feedback received, the CFIA proposes to prepare compliance promotion and education documents specifically for industry. Regulatory requirements will be expressed in clear and plain language. They will include guidance to industry on how compliance may be achieved and what they can expect from the CFIA. Information on model systems will be made available wherever possible to assist all businesses, particularly small and medium-sized businesses, meet new regulatory requirements as well as develop and implement their own preventive control plans suitable to the size and complexity of their operation.

The CFIA is continuing to examine how it and other partners could provide more in-depth knowledge, expertise and guidance to regulated parties that would help them meet regulatory obligations. The Agency expects to describe more of its plans by the spring of 2014.

#### **4.    Labelling modernization**

Attendees understood that a food label is one of the most important and direct means of communicating product information between buyers and sellers. They asked for a labelling system that will last, informs consumers and enhances industry reputation at home and abroad.

Attendees debated the scope of the initiative. For example, the CFIA's food labelling modernization will look at food labelling regulations, policies and guidelines such as best before dates, list of ingredients, common name, and non-health and safety related claims such as local or natural. It will also examine the roles and responsibilities that consumers, industry and government play in food labelling.

Consumer association representatives expressed disappointment that while the initiative includes examining country of origin, it does not include Product of Canada claims. All attendees recommended that the CFIA work harder to explain what is and is not in scope.

Attendees unanimously agreed that the most important requirement going forward is consistency. Consumer association representatives asked for consistent:

- enforcement of nutrition, allergen and country of origin claims, and
- food labels so that consumers have the necessary information to make decisions about what products to buy.

Industry asked for consistency in:

- how inspectors are trained to assess labels, and
- inspector decisions on what is or is not a compliant label.

Industry acknowledged that difficulties are exacerbated by outdated manuals and inconsistent requirements between regulated food commodities.

To assure more consistency, industry attendees asked for several changes including:

- updated naming conventions, standards of identity, compositional standards for spices,
- international standards to be incorporated by reference, and
- updated guides to food labelling and decisions.

Attendees asked that everyone have access to the same guidance documents used to train CFIA inspectors about food labels. Industry would like to use these documents to understand ahead of time what to expect and how they could create compliant labels. These guidance documents would be of particular interest to small businesses that may not have sophisticated quality management programs or departments. Representatives from consumer associations said that they would like similar documentation to explain what information is required on a label, what is voluntary and what is not required.

All parties agreed that this information should be made available publicly on the CFIA external website. Requirements should be clear, written in plain language and indicate what mechanisms are in place for industry and consumers alike to register complaints that challenge inspector decisions or report a labelling concern respectively.

## **CFIA response**

The scope of the CFIA's [food labelling modernization initiative](#) has been agreed upon in consultation with internal and external partners, including Health Canada. The Agency will be engaging stakeholders through the summer and fall of 2013. The feedback that the CFIA receives will help inform agency recommendations that are expected to be complete in spring 2015. The Agency will continue to engage stakeholders at all stages of the process.

Clear, accurate and easy access to information is important. Therefore, the CFIA will work with stakeholders to find innovative ways to streamline food labelling information through initiatives such as the Online Labelling Tool, currently being developed.

## **5. Imported food sector product regulations**

The CFIA is proposing new regulations that would require certain importers to put in place clear controls to ensure that the food they sell meets Canadian requirements. These proposed regulations mark the first stage of a new food regulatory framework that would fully support the new food inspection model and the [Safe Food for Canadians Action Plan](#) as it pertains to imported foods.

The proposed new regulations put greater emphasis on prevention and clarify importers' responsibilities for the safety of the foods they import. They also bring greater consistency in control requirements for both domestic and imported food products by requiring importers in this sector to have preventive plans in place.

Attendees expressed that they are anxiously awaiting details on the proposed regulations as they will affect an estimated 25,000 importers who bring more than \$1 billion in food and food products into Canada every month from over 190 countries.

Attendees said that they generally support the preliminary proposals for the CFIA:

- to collect from importers their business number assigned by the Canada Revenue Agency (CRA) as long as it is kept confidential, and
- to allow one legal entity to hold more than one licence for different branches of their operation.

Attendees emphasized that the CFIA should consider all methods to support capacity building for businesses throughout and following the regulatory approval process. Attendees recommended that information be:

- available through call centres, and
- available online and in printed formats and translated into as many languages as possible.

Industry representatives asked that the CFIA consider increasing its outreach through embassies and provide importers a list of approved third-party service providers who could assist clients in meeting Canadian regulations. Representatives of importer associations asked that they be allowed to participate in discussions between the CFIA and the Canadian Border Services Agency about enhancing transparency and traceability in this sector.

### **CFIA response**

The CFIA is committed to making sure that private information is only used for the purpose for which it was collected. The CFIA intends to conclude a Memorandum of Understanding with the CRA that will prescribe and clarify how the business number can be used.

The CFIA will further consider the feasibility of a multiple licence option for importers covered by this particular regulatory proposal while keeping in mind the objectives of system integrity and food safety outcomes.

